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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/517,375   | 06/09/2005  | Yoko Hanada          | 262666US0PCT                    | 4697                        |
| 22850  | 7590        | 11/07/2007           |                                 |                             |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      |                                 |                             |
|  |             |                      | EXAMINER<br>PALENIK, JEFFREY T  |                             |
|  |             |                      | ART UNIT<br>4133                | PAPER NUMBER                |
|  |             |                      | NOTIFICATION DATE<br>11/07/2007 | DELIVERY MODE<br>ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

## Office Action Summary

**Application No.**

10/517,375

**Applicant(s)**

HANADA ET AL.

**Examiner**

Jeffrey T. Palenik

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10 Dec 2004 &amp; 7 Dec 2006</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

Claims 1-6 are presented and represent all of the claims under consideration.

### ***Priority***

This application is the National Stage filing of International Patent Application No. PCT/JP02/05920, filed 13 June 2002. Examiner finds that Applicant's filing meets the priority requirements and determines the earliest effective U.S. filing date to be 13 June 2002.

### ***Information Disclosure Statement***

Two Information Disclosure Statements filed 10 December 2004 and 7 December 2006 is acknowledged and have been reviewed.

### ***Specification***

The abstract of the disclosure is objected to because (a) both formulas (1) and (2) are presented, but only formula (1) is further defined and (b) the term "etc." should be replaced with a concise definition, if possible. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves

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modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper content of an Abstract of the Disclosure.

In chemical patent abstracts for compounds or compositions, the general nature of the compound or composition should be given as well as its use, *e.g.*, "The compounds are of the class of alkyl benzene sulfonyl ureas, useful as oral anti-diabetics." Exemplification of a species could be illustrative of members of the class. For processes, the type reaction, reagents and process conditions should be stated, generally illustrated by a single example unless variations are necessary.

Complete revision of the content of the abstract is required on a separate sheet.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

Claims 4-6 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative and/or cannot depend from any other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claims 4-6 have not been further treated on the merits.

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***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

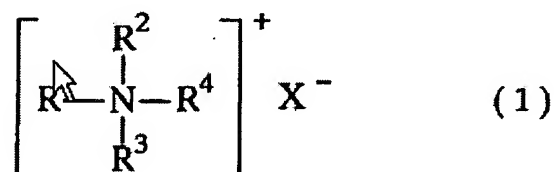
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

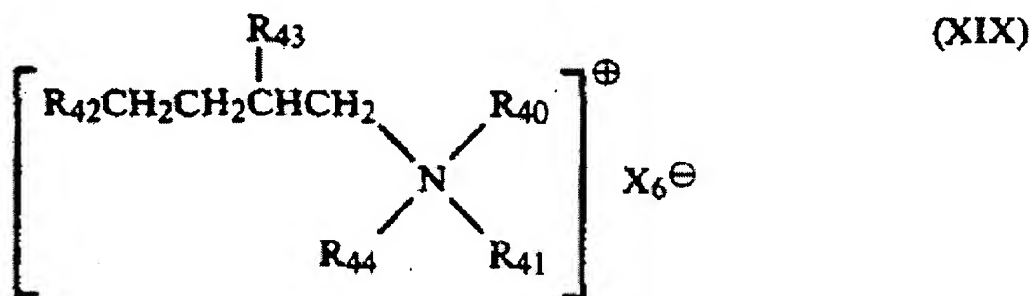
Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashina et al. (U.S. Patent 5,077,041).

Yamashina et al. teaches a shampoo composition having a modified silicone polymer.

Cationic surfactant formula (1) of the instant claim 1:



is taught by Formula XIX:



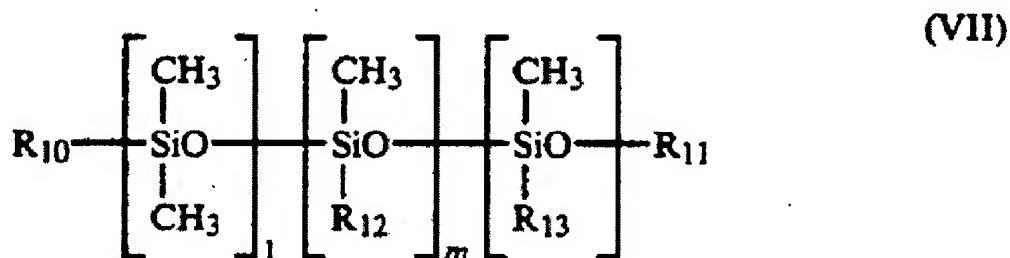
wherein  $R_{40}$  and  $R_{41}$  independently represent an alkyl group of 1 to 3 carbon atoms or a hydroxyalkyl group,  $R_{42}$  and  $R_{43}$  independently represent an alkyl group having 2 to 12 carbon atoms, and  $R_{44}$  represents the group:

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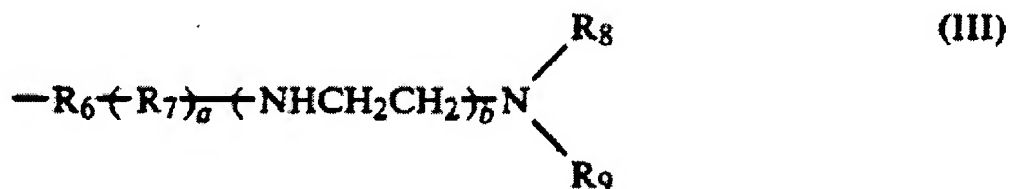


wherein  $\text{R}_{42}$  is defined above and  $\text{R}_{45}$  represents a methyl or ethyl group. The  $\text{X}_6$  anion represents a halogen ion or organic anion (column 10, line 64 to column 11, line 38).

Component (A) of the instant claim 1 (an organopolysiloxane having an amino-modified organopolysiloxane chain and a polyoxyalkylene chain) is further taught by claim 1 as a modified silicone polymeric compound of formula (VII). The block copolymer formation of the instant claim 3 is also taught by claim 1.



wherein the contents of the three brackets represent the organopolysiloxane backbone or chain and  $\text{R}_{12}$  represents an aminoalkyl group of Formula (III):



wherein  $\text{R}_6$  is a divalent hydrocarbon group,  $\text{R}_7$  of  $(\text{R}_7)_a$  represents a block ethoxy group  $(-\text{OCH}_2\text{CH}_2-)$  adjacent to the block organopolysiloxane chain, "a" and "b" represent integers from 1 to 6, and  $\text{R}_8$  and  $\text{R}_9$  are independently hydrogen or monovalent hydrocarbon groups. Therefore, each and every element of the claims is met by the reference.

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No claims allowed.

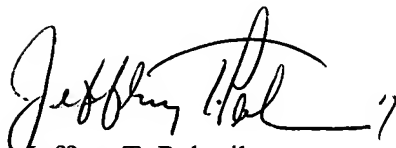
*Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey T. Palenik whose telephone number is (571) 270-1966.

The examiner can normally be reached on 7:30 am - 5:00 pm; M-F (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker can be reached on (571) 272-0911. The fax phone number for the organization where this application or proceeding is assigned is 571-270-2966.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey T. Palenik

Patent Examiner



JEFFREY STUCKER  
SUPERVISORY PATENT EXAMINER